

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9834 of 2018

1. S.Saravanamurthy
2. V.Balasubramaniam .. Petitioners

-vs-

1. The Secretary to Government
Tourism and Hindu Religious
Endowments Department
Secretariat, Chennai

2. The Commissioner
Hindu Religious & Charitable
Endowment Board
Chennai

3. The Joint Commissioner
Hindu Religious & Charitable Endowment Board
Coimbatore

4. The Assistant Commissioner/Executive Officer
Arulmigu Varasakthi Vinayakar Thirukoil
South Ukadam
Coimbatore

5. Hereditary Trustee
Arulmighu Varasakthi Vinayakar Thirukoil
South Ukadam
Coimbatore .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the Secretary to Government, Tourism and Hindu Religious Endowments Department, Secretariat, Chennai, the first respondent herein to dispose of the statutory appeal 3680 of 2016 before the first respondent herein in a time bound manner after giving proper opportunity to produce and verify documents and a personal hearing in the said appeal.

For Petitioners :: Mr.S.D.Ramalingam
For Respondents :: Mr.M.Maharaja
Special Government Pleader (HR&CE)
for R1 to 4

ORDER

The petitioners have come to this Court seeking a mandamus to the Secretary to Government, Tourism and Hindu Religious Endowments Department, Secretariat, Chennai, the first respondent herein to dispose of the statutory appeal 3680 of 2016 filed before the first respondent herein in a time bound manner after giving proper opportunity to produce and verify documents and a personal hearing in the said appeal.

2. Learned counsel for the petitioners submitted that on an earlier occasion, the petitioners have come to this Court with W.P.No.10579 of 2016 praying for a mandamus to the Commissioner, Hindu Religious and Charitable Endowment Board, Chennai to stay the operation of the order dated 25.2.2016 passed by the second respondent and this Court, by order dated 22.3.2016, directed the Secretary to Government, Tourism and Hindu Religious Endowments Department, Chennai, the first respondent to take up the stay petition in the appeal and after conducting the enquiry giving an opportunity of personal hearing to the petitioners and necessary parties and dispose of the stay petition on merits and in accordance with law. In spite of the above direction, the stay application was not taken up and even if the appeal is taken up for disposal now, the petitioners have no objection for the same, as they only wanted a fair and reasonable opportunity of hearing to consider all the documents placed by them before the first respondent.

3. Heard the learned Special Government Pleader for the respondents 1 to 4 also.

4. This Court finds no impediment to direct the first respondent to take up the appeal itself for disposal. Accordingly, the first respondent is hereby directed to take up the appeal filed by the petitioners and dispose of the same on merits and in accordance with law, after giving a fair and reasonable opportunity of hearing to the petitioners and to consider the documents placed by them, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.11766 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

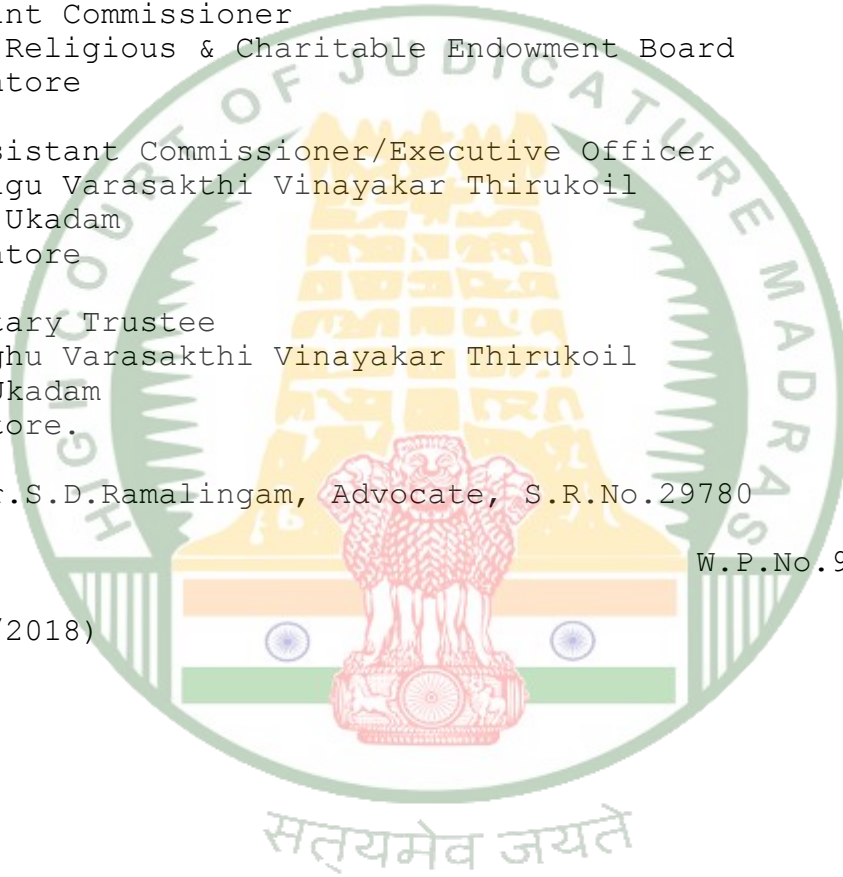
To

1. The Secretary to Government
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2. The Commissioner
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Coimbatore.

+1cc to Mr.S.D.Ramalingam, Advocate, S.R.No.29780

W.P.No.9834 of 2018

RRK(28/04/2018)



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